

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

AMERICAN IMAGING SERVICES, INC.,	§	
	§	
Plaintiff,	§	
vs.	§	Civil Action No. _____
	§	
AUTODESK, INC.,	§	JURY TRIAL DEMANDED
	§	
Defendant.	§	

PLAINTIFF'S ORIGINAL COMPLAINT

Plaintiff AMERICAN IMAGING SERVICES, INC. ("Plaintiff") brings this action against Defendant AUTODESK, INC. ("Autodesk"), and alleges as follows:

The Parties

1. Plaintiff is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business in Dallas, TX.

2. Upon information and belief, Autodesk is a corporation organized and existing under the laws of the State of Delaware, and has a principal place of business located at 111 McInnis Parkway, San Rafael, CA 94903. Autodesk may be served with process by serving its registered agent, National Registered Agents, Inc., 16055 Space Center, Suite 235, Houston, TX.

Jurisdiction and Venue

3. This action arises under the patent laws of the United States, Title 35 United States Code, §§ 271 and 281. This Court has jurisdiction pursuant to Title 28 United States Code §1338(a). Venue is proper in this District under Title 28 United States Code §§ 1391(b), (c) and 1400(b).

Claim For Patent Infringement

4. On June 17, 2008, United States Patent No. RE 40,384E (“the ‘384 patent”) was duly and legally issued for an “Apparatus and Method for Manipulating Scanned Documents in a Computer Aided Design System”. A copy of the ‘384 patent is attached as Exhibit A and is made a part hereof. By assignment, Plaintiff is the owner of the ‘384 patent and continues to hold all rights and interest in the ‘384 patent.

5. Upon information and belief, Autodesk manufactures, makes, has made, uses, practices, imports, provides, supplies, distributes, sells and/or offers for sale products and/or systems that infringe one or more claims in the ‘384 patent; and/or Autodesk induces and/or contributes to the infringement of one or more of the claims in the ‘384 patent by others.

6. Autodesk has infringed and continues to infringe the ‘384 patent by its manufacture, use, sale, importation, and/or offer for sale of computer aided design products, including but not limited to Autodesk’s AutoCAD and AutoCAD Raster Design products.

7. As a result of Defendant’s infringing conduct, Defendant has damaged Plaintiff. Defendant is liable to Plaintiff in an amount that adequately compensates Plaintiff for Defendant’s infringement, which by law in no event can be less than a reasonable royalty.

8. As a consequence of the Defendant’s infringement, Plaintiff has been irreparably damaged and such damage will continue without the issuance of an injunction by this Court.

Demand for Jury Trial

9. Plaintiff demands a jury trial on all issues triable of right by a jury.

Prayer for Relief

WHEREFORE, Plaintiff prays for entry of judgment:

- a. Judgment that one or more claims of United States Patent No. RE 40,384E have been infringed, either literally and/or under the doctrine of equivalents, by Defendant and/or by others to whose infringement Defendant has contributed and/or by others whose infringement has been induced by Defendant;
- b. Judgment that Defendants account for and pay to Plaintiff all damages to and costs incurred by Plaintiff because of Defendant's infringing activities and other conduct complained of herein;
- c. That Plaintiff be granted pre-judgment and post-judgment interest on the damages caused by Defendant's infringing activities and other conduct complained of herein;
- d. That the Court declare this an exceptional case and award Plaintiff its reasonable attorney's fees and costs in accordance with 35 U.S.C. § 285;
- e. That Defendant be permanently enjoined from any further activity or conduct that infringes one or more claims of United States Patent No. RE 40,384E; and
- f. That Plaintiff be granted such other and further relief as the Court may deem just and proper under the circumstances.

Respectfully submitted,

Dated April 22, 2009

/s/ Jonathan T. Suder
State Bar No. 19463350
Erick S. Robinson
State Bar No. 24039142
FRIEDMAN, SUDER & COOKE
Tindall Square Warehouse No. 1
604 East 4th Street, Suite 200
Fort Worth, TX 76102
(817) 334-0400
(817) 334-0401 (fax)
jts@fsclaw.com
robinson@fsclaw.com

Paul V. Storm
State Bar No. 19325350
Michael Leach
State Bar No. 24065598
STORM LLP
901 Main Street, Suite 7100
Dallas, Texas 75202
Telephone: (214) 347-4700
Facsimile: (214) 347-4799
paulstorm@stormllp.com
mleach@stormllp.com

ATTORNEYS FOR PLAINTIFF

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